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are the agents of different sovereigns, conviction in one would not disqualify a witness in the other. *Brown v. United States*, 233 Fed. 353. On account of present uncertainty it might be advisable to extend to criminal cases the federal statute which now provides that in civil cases the courts shall be governed by the law of the state in which the trial is held. See 34 STAT. AT L. 618; U. S. COMP. STAT. 1916, § 1464.

## BOOK REVIEWS

A TREATISE ON THE AMERICAN AND ENGLISH WORKMEN'S COMPENSATION LAWS. By Arthur B. Honnold. Two volumes. Kansas City: Vernon Law Book Co. 1917.

The first volume of this treatise contains a comprehensive and well-arranged compendium of the decisions and opinions of the courts, industrial commissions, accident boards, attorneys-general, etc., construing the various workmen's compensation and compensation-insurance laws in the United States and Great Britain. To the legal profession and the legislator this part of the work will be invaluable, a large proportion of the decisions, etc., to be found therein being inaccessible in any except the largest libraries, and being even there difficult to find because unindexed in the common digests. The second volume contains a complete edition of the text of all such laws. It is regrettable that this part of the work could not have been omitted and its place partially supplied by references to the statutes, where appropriate, in the text of the first volume. Not only do some of the decisions cited in the first volume relate to earlier texts of statutes which in this compilation appear in amended forms (*e. g.*, *McWeeny v. Standard Boiler Co.*, 210 Fed. Rep. 507, cited under § 204), but also in many of the states the legislatures are even now busily engaged in adding to the list of compensation statutes and amending existing statutes, with the consequence that within a few months this compilation will in all probability be out of date. And whatever value it would otherwise have for the time being has been largely sacrificed by the lack of an adequate index. In the index provided — to illustrate — reference is made under the heading "Diseases" to provisions in the statutes of Iowa, Kentucky, New York, Wisconsin, and Great Britain; but a cursory examination reveals special provisions relative to disease also in the statutes of Colorado, Indiana, Louisiana, Maryland, Nebraska, Pennsylvania, Vermont, and Wyoming.

The fact that many of the thirty-four systems of law covered by this treatise are in a state of evolution and rapidly changing has made time the essence of the author's task, with the consequence that in his haste to publish his material he has allowed many minor errors and inaccuracies to remain uncorrected in his text. For examples: In § 20, the New York Compensation Act is referred to as "elective only with the employer," whereas, in ordinary sense, that act is altogether compulsory. In § 103, *De Voe v. N. Y. State Railways*, 169 App. Div. 472, is cited in the course of a presentation of the distinction between hazardous and non-hazardous employments, whereas that case was decided on the ground that at the time of the accident the injured workman was not engaged in any employment whatsoever. In § 121, *De Filippis v. Falkenburg*, 170 App. Div. 153, is cited as deciding that an injury due to "horseplay" by a coemployee arises out of the employment, whereas the decision was to the contrary. In § 138, ptomaine poisoning and typhoid fever are mentioned as diseases "commonly known as occupational diseases," whereas commonly they are regarded as the very opposite of "occupational diseases," though under some circumstances they may be "accidents." And in a footnote to § 204 it is stated that the Ohio

statute contains no definition of "wilful act," whereas that statute was amended in 1914 expressly to define that phrase.

Because the industrial commissions and accident boards in a number of our states not only exercise quasi-judicial functions but also provide insurance, some of their pronouncements are neither judicial nor administrative, but are rather in the nature of advertising "puffs" for their insurance schemes. Obviously pronouncements of the last-mentioned kind have no place in a legal textbook. Nevertheless some of them are to be found in the work under review. For instance, in § 5 are presented claims for the stability of protection afforded by the Washington State Insurance Fund. The weight to be given to such claims may be deduced from the fact that within the last few months the auditor of the state of Washington, after an examination and audit, has reported that the Washington State Fund is unsound in principle, insolvent in fact, and mismanaged in practice.

To the student of "the law of compensation" it may be disappointing that the author has refrained from any personal discussions of the principles underlying the statutes under consideration or of the grounds for choice between alternative principles and practices. For illustration, though he points out in § 138 that the tendency has been to deal with industrial accidents distinct from industrial diseases, he does not attempt to explain why compensation has generally been granted only for "injuries by accident" to the exclusion of "injuries by disease." But consideration of the vastness of the field that would have been opened up by any other course makes it plain that for immediate usefulness the author has chosen the better part in limiting himself to a bald presentation of the British and American authorities. Moreover our American compensation laws are highly and hurriedly empirical and imitative; and an authoritative commentary upon principles would require a more thorough exploration of European sources than American commentators have yet had time and opportunity to make.

The foregoing criticisms simply indicate some limitations to the usefulness of this work and some qualifications to its reliability. The author has aimed to produce a treatise of immediate helpfulness, and, in spite of the unusual difficulties of his task, has eminently succeeded.

P. TECUMSEH SHERMAN.

BELGIUM AND THE GREAT POWERS: HER NEUTRALITY EXPLAINED AND VINDICATED. By Emile Waxweiler. New York and London: G. P. Putnam's Sons. 1916. pp. xi, 186.

BELGIUM'S CASE: A JURIDICAL ENQUIRY. By Charles de Visscher. Translated from the French by E. F. Jourdain. London, New York, and Toronto: Hodder and Stoughton. 1916. pp. xxiv, 164.

These are two of the recent additions to the crop of controversial books dealing with the German invasion of Belgium in 1914. The first, that of the late M. Waxweiler, is, from a legal point of view at least, of scant importance. It really is fervid patriotic pamphleteering, designed to meet the equally patriotic and insignificant books of various Germans; and the war of the professors at times becomes quite violent. The first section of the book, dealing with the policy of Belgian resistance, is certainly of no importance to a student of international law. The part (pp. 44-117) given over to a denial of any Belgian-English *ante-bellum* arrangement would be of little value even if the evidence were presented more clearly and more frankly. And Belgium's innocence can hardly be proved by the fact that even ten Belgian diplomatists believed in it (*cf.* p. 86). In discussing Belgium's duty to resist passage by a belligerent, the Treaty of 1831 alone is mentioned; M. Waxweiler is either ignorant of, or attaches no importance to, the provisions